***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.25626 of 2006**

**Dated:06.03.2007**

Between:

M/s. Pratima Townships Private Limited.

…Petitioner.

and

The District Registrar and another.

…Respondents

***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.25626 of 2006**

**ORDER:**

The petitioner entered into a Development Agreement-cum-General Power of Attorney, dated 16.06.2006, with one Sri Inavolu Balaram Reddy and others, who are said to be owners of land in an extent of

Acs.48.33 gts., in different survey numbers of Tummalur Revenue Village, Maheshwaram Mandal, Ranga Reddy District. The document was presented for registration before the 2nd respondent. Stamp duty payable in accordance with Article 6(B) of Schedule I-A of the Indian Stamp Act, 1899 (for short 'the Act') was paid. The 2nd respondent entertained a doubt as to the deficiency of stamp duty and sought clarification from the 1st respondent. The latter, in turn, clarified through his memo, dated 08.08.2006, to the effect that the petitioner is liable to pay stamp duty of Rs.20,99,400/-. Based on the same, the 1st respondent issued a notice, dated 04.09.2006. Aggrieved by these proceedings, the petitioner filed W.P.No.19385 of 2006. The said writ petition was disposed of on 27.10.2006. It was proceeded on the basis that the matter pending with the 1st respondent is almost a

reference under Section 47-A of the Act. In that view of the matter, it was left open to the 1st respondent to issue notice to the petitioner, before he passes any order. The Writ Petition was disposed of accordingly, by fixing a time of eight weeks for such an exercise.

The petitioner got issued a notice through his advocate to respondents 1 and 2, about their inaction in the matter. The 2nd respondent replied through a notice, dated 28.11.2006, stating, *inter alia*, that he has only sought clarification from the 1st respondent and that there did not exist any reference under Section 47-A of the Act. The petitioner challenges the said letter by filing W.P.No.25626 of 2006. This Court took note of the said letter and initiated *suo motu* contempt proceedings, being C.C.No.55 of 2007.

Learned counsel for the petitioner submits that though the matter was squarely covered by Article 6(B) of Schedule I-A of the Act, as amended by the Government through G.O.Ms.No.1475 Revenue (Registration) Department, dated 30.07.2005, the respondents are stalling registration on one pretext, or the other and that they did not place necessary facts before this Court, when W.P.No.19385 of 2006 was decided. He further contends that there is absolutely no justification for the respondents in keeping the document by placing a wrong interpretation on the relevant provisions of law.

Learned Government Pleader for Revenue submits that the clarification that was sought by the 2nd respondent as to the proper stamp duty was treated as a reference under Section 47-A of the Act, on account of lack of communication gap and that the 2nd respondent has taken necessary steps in accordance with the relevant provisions of law.

The lack of proper attention on the part of the 2nd respondent, while dealing with the document presented by the petitioner has given rise to several proceedings and avoidable delay. It is not in dispute that what is presented by the petitioner is a development agreement-

cum-general power of attorney. It does not result in any transfer of property. The documents of this category are dealt with separately under Article 6(B) of Schedule I-A of the Act. The Government issued G.O.Ms.No.1475, dated 30.07.2005, making it abundantly clear that the stamp duty payable on such documents is one percent of the consideration, mentioned in the document, subject to a maximum of 50,000/-. There must not have been any difficulty in following this.

On his part, the District Registrar replied stating that the stamp duty payable by the petitioner is about Rs.22 lakhs. This appears to have been, on account of the fact that the entire matter was not placed before him. Respondents 1 and 2 appeared to be apprehensive of the audit objection that may be raised from time to time. Unfortunately, the whole process of registration became the victim of greed of the Government to extract more and more money, than to enable the parties to have proper evidence, in accordance with law, of their transactions. That, however, is a larger issue. The petitioner has already been penalised for no fault of him. To save their skin, respondents 1 and 2 cannot victimise the petitioner. The lack of proper understanding and clarity in the matter had resulted in several proceedings.

For the foregoing reasons, the Writ Petition is allowed and the 2nd respondent is directed to process the document strictly by applying the norms contained in G.O.Ms.No.1475, dated 30.07.2005, within one week from today. There shall be no order as to costs.

**Dt.06.03.2007** **L.NARASIMHA REDDY, J**

Note: Furnish C.C. in three days.

(B/o)

GJ

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